

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 435 Department of Highway Safety and Motor Vehicles

SPONSOR(S): Valdes

TIED BILLS: HB 1007 **IDEN./SIM. BILLS:** SB 636

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Roth	Vickers
2) Transportation & Tourism Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

The Department of Highway Safety and Motor Vehicles (DHSMV) is the agency responsible for the issuance of motor vehicle and vessel certificates of title and registrations, as well as motor vehicle driver licenses.

The bill expands the authority of DHSMV and its authorized agents to collect, share, and utilize electronic mail addresses and verified texting numbers to contact customers for reasons other than notifying them for renewal purposes. Authorized additional uses include, but are not limited to, renewal notices, appointment scheduling information, tax collector office locations, hours of operation, contact information, driving skills testing locations, and website information.

The bill provides that all records made or kept by DHSMV for vessel registration are subject to inspection and copying as provided in chapter 119, F.S.

Finally, the bill removes the Florida Fish and Wildlife Commission as the entity eligible to accept applications by electronic or telephonic means for vessel registration and titling.

The bill will likely have an indeterminate, negative fiscal impact to state and local government expenditures. See Fiscal Analysis for additional details.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Department of Highway Safety and Motor Vehicles (DHSMV) is authorized to accept applications for motor vehicle and vessel certificates of title and motor vehicle registration by electronic or telephonic means, and may issue an electronic certificate of title in lieu of printing a paper title.¹ DHSMV is also authorized to collect electronic mail addresses and use electronic mail in lieu of the United States Postal Service (USPS) as a method of notification for motor vehicle and vessel certificates of title and motor vehicle renewal notices for registration.² However, for motor vehicle certificates of title, notices regarding the potential forfeiture or foreclosure of an interest in property must be sent by USPS rather than electronic mail.³ DHSMV may also collect electronic mail addresses and use electronic mail, in lieu of USPS, for the purpose of providing motor vehicle driver license and identification card renewal notices.⁴

The Fish and Wildlife Conservation Commission is identified in s. 328.80, F.S., as the agency authorized to accept applications for vessel registration by electronic or telephonic means; however, DHSMV is the agency responsible for vessel registrations.⁵

Proposed Changes

The bill authorizes DHSMV and its authorized agents to collect electronic mail addresses from customers and use them not only as a method of notification for motor vehicle certificates of title, but also for any statutorily authorized use related to motor vehicle certificates of title. All electronic mail addresses must be made available to DHSMV or its authorized agents upon request.

The bill authorizes DHSMV and its authorized agents to collect electronic mail addresses and verified texting numbers from customers for purposes of e-mailing or texting (in lieu of the USPS) certain motor vehicle registration, driver license, and identification card information. The information that can be e-mailed or texted includes, but is not limited to, renewal notices, appointment-scheduling information, tax collector office locations, hours of operation, contact information, driving skills testing locations, and website information. All electronic mail addresses and verified texting numbers must be made available to DHSMV or its authorized agent upon request.

The bill authorizes DHSMV and its authorized agents to collect electronic mail addresses and verified texting numbers from customers for purposes of e-mailing or texting (in lieu of the USPS) certain vessel certificate of title and registration information. The information that can be e-mailed or texted includes, but is not limited to, renewal notices, appointment scheduling information, tax collector office locations, hours of operation, contact information, and website information. All electronic mail addresses and verified texting numbers must be made available to DHSMV or its authorized agent upon request.

Additionally, the bill corrects obsolete language referring to the vessel registration duties of the Fish and Wildlife Conservation Commission and replaces it with DHSMV, which is the agency responsible for vessel registration.

¹ Sections 319.40, 320.95, and 328.30, F.S.

² Sections 319.40, 320.95, and 328.30, F.S.

³ Section 319.40(3), F.S.

⁴ Section 322.08(10), F.S.

⁵ In 1999, the Legislature transferred responsibility for the registration of vessels from the Department of Environmental Protection (DEP) to DHSMV (Ch. 99-289, L.O.F.). During the same 1999 regular session, the Legislature transferred other duties of DEP to the Fish and Wildlife Conservation Commission (Ch. 99-245, L.O.F.).

Lastly, the bill clarifies that all records made or kept by DHSMV for the administration of vessel registration and titling are subject to inspection and copying as provided in Chapter 119, F.S., relating to public records.

B. SECTION DIRECTORY:

Section 1: Amends s. 319.40, F.S., relating to transactions by electronic or telephonic means.

Section 2: Amends s. 320.95, F.S., relating to transactions by electronic or telephonic means.

Section 3: Amends s. 322.08, F.S., relating to application for license; requirements for license and identification card forms.

Section 4: Amends s. 328.30, F.S., relating to transactions by electronic or telephonic means.

Section 5: Amends s. 328.40, F.S., relating to administration of vessel registration and titling laws; records.

Section 6: Amends s. 328.80, F.S., relating to transactions by electronic or telephonic means.

Section 7: Provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill will likely have no impact on state government revenues.

2. Expenditures:

DHSMV will likely incur indeterminate, but insignificant, programming costs related to modifying the existing systems to enable the capture of verified texting numbers.⁶

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill will likely have no impact on local government revenues.

2. Expenditures:

Local governments may incur indeterminate expenditures relating to information technology programming costs.⁷

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

⁶ Department of Highway Safety and Motor Vehicles, Agency Analysis of 2020 House Bill 435, p. 4 (December 16, 2019).

⁷ *Id.*

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

HB 1007, which this bill is linked to, creates public records exemptions for information similar to the information contained in this bill. HB 1007 uses different terminology to provide public records exemptions for “e-mail addresses” and “cellular phone numbers”.

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking authority, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues: Verified Texting Number

The bill authorizes DHSMV and its authorized agents to collect and use “verified texting numbers”; however, there is no definition for “verified texting numbers”.

Drafting Issues:

The bill requires that all electronic mail addresses and verified texting numbers be made available to DHSMV or its authorized agents “upon request”. This language may be interpreted to create a mandatory duty of every person or entity seeking applicable services to provide an electronic mail address and verified texting number upon the request of DHSMV or its authorized agent.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES